

The Honorable Philip H. Brandt
Chapter 13
Hearing Date: May 22, 2008
Hearing Time: 9:30 a.m.
Response Due: May 15, 2008

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF WASHINGTON

In re:)
)
) Bankruptcy Case No. 07-13985
)
LESTER AND KIMBERLEY HENLEY,) DECLARATION OF ROBIN E. BENTLEY
) IN SUPPORT OF OBJECTION TO
Debtors.) CONFIRMATION
)
)

I, ROBIN E. BENTLEY, hereby declare and state as follows:

1. I am the Director of Finance and Operations at The Bush School, a creditor in this matter, have personal knowledge of the facts stated herein, and am competent to testify thereto.

2. Dominique Henley, the daughter of the debtors Lester and Kimberley Henley, is an enrolled student at The Bush School. In response to a recent inquiry to the Henleys regarding the 2008-2009 school year, I received copies of bankruptcy pleadings from the Debtors, indicating that they had sought Chapter 13 bankruptcy protection last summer. This was the first notice The Bush School had received of the bankruptcy filing, though we had heard from the Debtors' attorneys in the first half of last year regarding the Debtors' outstanding balance, with a statement that they were hoping to avoid a bankruptcy filing.

3. I have prepared a summary of the current financial situation between the Debtors and The Bush School, which is attached as Exhibit A. It shows that we had invoiced a portion of the 2007/2008 tuition as of the Debtors' filing date of August 24, 2007, \$3,565.53, which when added to the existing balance due for prior years, totals a prepetition obligation as of August 24, 2007 of \$15,773.12. Since that time, an additional \$4,867.55 has been invoiced for 2007/2008 tuition owing, plus \$2,132.32 in other charges that have accrued since August 24, 2007, including books, lunchcards, finance charges, photos, and the ski bus, for a total of \$6,999.87. An additional \$973.51 is scheduled to be invoiced in February, 2008 for 2007/2008 tuition. We have been receiving \$500 monthly payments from the Debtors since August, 2007, for a total credit against their obligation of \$3,000.00. Still, the total postpetition obligation is \$4,973.38. We understand that those finance charges allocable to the prepetition obligation included in the other charges may not be recoverable under the Bankruptcy Code, and will make the appropriate adjustments.

4. It appears that the Debtors have failed to provide for their postpetition obligation to The Bush School in their bankruptcy budget or Plan. We do not know if they intend to keep Dominique, who is in good academic standing, in The Bush School; however that must be clarified, and provisions for timely payment of postpetition tuition and costs must be made in any plan proposed to the Court.

I DECLARE UNDER PENALTY OF PERJURY OF THE LAWS OF THE STATE OF WASHINGTON THAT THE FOREGOING IS TRUE AND CORRECT.

Dated this 7th day of February, 2008 at Seattle, Washington.

Robin E. Bentley
ROBIN E. BENTLEY

Dominique Henley

	2007/08 Tuition			
	Invoiced prior to August 24, 2007	Invoiced after August 24, 2007	To be invoiced	Totals
Tuition 2007/08	8,291.19	11,318.65	2,263.73	21,873.57
Less financial aid	(4,725.66)	(6,451.10)	(1,290.22)	(12,466.98)
Net tuition	<u>3,565.53</u>	<u>4,867.55</u>	<u>973.51</u>	<u>9,406.59</u>
Other charges:				
Extended day		110.00		Extra charges are invoiced as incurred.
Finance charges		781.68		
Books		165.64		
Lunchcards		750.00		
Ski bus		298.00		
Other food		6.00		
Sports photos		21.00		
		<u>2,132.32</u>		<u>2,132.32</u>
Invoiced for 2007/08	<u>3,565.53</u>	<u>6,999.87</u>	<u>973.51</u>	<u>11,538.91</u>

Payments received after August 24, 2007

8/31/2007	500.00
9/17/2007	500.00
10/23/2007	500.00
11/13/2007	500.00
12/31/2007	500.00
1/18/2008	500.00
	<u>3,000.00</u>

Reconciliation:

Balance at August 24, 2007	15,773.12
Tuition, net of financial aid	4,867.55
Other charges	2,132.32
Payments received	(3,000.00)
Balance due January 31, 2008	<u>19,772.99</u>

EXHIBIT A